

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Dr. Alan B. Coleman, Ward I
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
January 7, 2014
Kyle Hayes, City Manager

Gethrel Wright, Mayor Pro Tem
Michael D. Getz, Ward II
Jamie Smith, Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **January 7, 2014**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

- * Invocation Pledge of Allegiance Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 6-8/Consent Agenda
- * Consent Agenda

Mayor Pro Tem Wright called the council meeting to order at 1:30 p.m.

Pastor James Blackwell of South Park Baptist Church gave the invocation. Councilmember Pate led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Pro Tem Wright, Councilmembers Coleman, Getz, Pate, Samuel (arrived at 1:35 p.m.) and Smith. Absent: Mayor Ames. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Mayor Ames was absent due to a Conference.

Proclamations, Presentations, Recognitions

None

Public Comment: Persons may speak on scheduled agenda items 6-8/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes – December 17, 2013
- * Confirmation of committee appointments – **None**
- A) Approve a resolution authorizing the City Manager to renew an agreement for the use of the stables at Tyrrell Park – **Resolution 14 – 001**

- B) Approve a resolution approving a supplemental amendment to the existing contract with Emergicon, LLC for outsourcing the debt collection services for designated EMS accounts – **Resolution 14 - 002**
- C) Approve a resolution authorizing the acceptance of a ten foot wide Exclusive Wide Line Easement located at 3739 North Major Drive – **Resolution 14 - 003**

Councilmember Smith made a motion to approve the Consent Agenda. Councilmember Pate seconded the motion.

AYES: MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider an ordinance approving a specific use permit to allow a sports bar in a GC-MD (General Commercial Multiple Family Dwelling) District at 39 N. 11th Street.

Christopher Segura is requesting a specific use permit.

On August 19, 2013, Christopher Segura went before Commission and Council to request a specific use permit to allow a sports bar in a GC-MD (General Commercial-Multiple-Family Dwelling) District. During the meeting, Mr. Segura modified his original request to also request operating as a BYOB establishment. Given this modification to his original request, it was decided to withdraw the application at that time. A decision to only be a sports bar was reached, and parking requirements have been clarified.

The facility will be located in an existing strip center on 11th St. The address of the property is 39 N. 11th Street.

Sec. 6.03.003 Proximity of dealer to school, church, day care center or child care facility

(a) *Except as otherwise provided by the Texas Alcoholic Beverage Code, it shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverages where the establishment or place of business of any dealer is:*

- (1) *Within three hundred (300) feet of a church or public or private school;*
- (2) *Within one thousand (1,000) feet of a public school or a private school if the governing body of the city receives a request from the governing body of the private school or from the board of trustees of the school district under section 38.007, Education Code; or*

(3) *Within 1000 feet of a day care center or child care facility, as those terms are defined by section 42.002 of the Texas Human Resources Code.*

(b) *The measurement of the distance between the place of business where alcoholic beverages are sold and the church, public or private school, day care center, or child care facility shall be determined as described in sections 109.33 and 109.331 of the Texas Alcoholic Beverage Code, as amended.*

State law (Title 4, Chapter 109, Subchapter A, Section 109.33 "Sales near school, church, or hospital" (c)) requires that the applicant must give written notice of the application to officials of public or private schools within 1000 feet of the nearest property line. The applicant is required to provide a copy of the notice to the State commission with the application.

Utilities and drainage in the area are adequate for the proposed use. Existing parking provided on the lot will be sufficient for the proposed sports bar.

At a Joint Public Hearing held December 16, 2013, the Planning Commission recommended 7:0 to approve a specific use permit to allow a sports bar in a GC-MD (General Commercial-Multiple Family Dwelling) District at 39 N. 11th Street with the following condition:

1. Off-street parking should be reconfigured and restriped to meet City of Beaumont requirements.

Approval of ordinance with the following condition:

1. Off-street parking should be reconfigured and restriped to meet City of Beaumont requirements.

Councilmember Coleman moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A SPORTS BAR IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 39 N. 11TH STREET IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Pate seconded the motion.

AYES: MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 – 001

2. Consider an ordinance approving a specific use permit to allow a mother-in-law quarters in an RS (Residential Single Family Dwelling) District at 5310 Linda Lane.

Jesse Lee Turner has applied for a specific use permit.

Mr. Turner has suffered several recent health setbacks and is no longer able to live alone in his mobile home in Sour Lake. After some discussion between him and his sister, Ruby Lee Turner Ott, they decided they would prefer to live together at this property. The family felt it best to construct a separate quarters at the rear of Ms. Ott's home to provide each of them some privacy and independence. The structure would be a 20.5' x 28.5' single story residence.

At a Joint Public Hearing held December 16, 2013, the Planning Commission recommended 7:0 to approve a specific use permit subject to the following conditions:

1. The mother-in-law quarters will not be leased.
2. The mother-in-law quarters shall not be on a separate electrical meter.

Approval of ordinance, subject the following conditions:

1. The mother-in-law quarters will not be leased.
2. The mother-in-law quarters shall not be on a separate electrical meter.

Councilmember Samuel moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A MOTHER-IN-LAW QUARTERS IN AN RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT AT 5310 LINDA LANE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Pate seconded the motion.

AYES: MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 – 002

Mayor Pro Tem Wright read the announcement regarding Executive Session being held at the conclusion of the General Business portion of the meeting.

3. Consider an ordinance approving a specific use permit to allow a self storage and truck rental facility in a GC-MD (General Commercial-Multiple Family Dwelling) District at 1501 N. 7th Street.

Millinneum Storage, LLC, is requesting a specific use permit.

The GC-MD zoning at 1501 N. 7th Street allows for this kind of use with a specific use permit.

The applicants propose to revitalize the existing commercial building with many improvements including, but not limited to, the roof and façade. Phase I would incorporate the front 2 buildings and provide 350-400 storage units. Once this phase reaches 70% lease-out, Phase II will build-out the 2 rear buildings for additional units/ rental space. Parking and utilities exist on the site to handle expected demand and has met the requirements of the City. Landscaping will be added to enhance the property.

At a Joint Public Hearing held December 16, 2013, the Planning Commission recommended 7:0 to approve a specific use permit to allow a self storage and truck rental facility in a GC-MD (General Commercial-Multiple Family Dwelling) District at 1501 N. 7th with the following conditions:

1. Applicant must seek approval from TX DOT for driveway access.
2. Perimeter landscaping of off-street parking must meet City requirements.
3. Monument sign must meet setback requirements.
4. Sidewalks must be added/maintained.

Approval of ordinance with the following conditions:

1. Applicant must seek approval from TX DOT for driveway access.
2. Perimeter landscaping of off-street parking must meet City requirements.
3. Monument sign must meet setback requirements.
4. Sidewalks must be added/maintained.

Councilmember Coleman moved to **ADOPT AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A SELF STORAGE AND TRUCK RENTAL FACILITY IN A GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT AT 1501 N. 7TH STREET IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Smith seconded the motion.

AYES: MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 – 003

4. Consider an ordinance approving a specific use permit to allow a hose and gasket fabrication plant in an LI (Light Industrial) District at 3155 W. Cardinal Drive.

Wilson Investments, Inc., is requesting a specific use permit.

The LI zoning at 3155 W. Cardinal Drive allows for this kind of use with a specific use permit.

GHX Industrial, L.L.C., the company wishing to relocate to this site, provides localized manufacturing and services to 24 locations across the US. The property to the East, West & South is all zoned LI (Light Industrial) and, if developed, occupied by compatible uses. Water Utilities is requesting an industrial waste water survey along with information to determine if the facility is subject to pretreatment regulations. All necessary utilities are available at the site and otherwise appear adequate to meet City of Beaumont requirements.

At a Joint Public Hearing held December 16, 2013, the Planning Commission recommended 7:0 to approve a specific use permit to allow a hose and gasket fabrication plant in an LI (Light Industrial) District at 3155 W. Cardinal Drive subject to the following conditions:

1. Applicant must seek approval from TX DOT for driveway access.
2. Revised site plan required to accommodate landscape requirements.

Approval of ordinance, subject the following conditions:

1. Applicant must seek approval from TX DOT for driveway access.
2. Revised site plan required to accommodate landscape requirements.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A HOSE AND GASKET FABRICATION PLANT IN AN LI (LIGHT INDUSTRIAL) DISTRICT AT 3155 W. CARDINAL DRIVE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Samuel seconded the motion.

AYES: MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 - 004

5. Consider an ordinance abandoning a portion of the alley in Block F, Pennock and Potts Addition at 2055 Southerland Street.

Michael A. Minix has applied for the abandonment of a 28' x 138'± portion of an alley.

The alley is located between Lots 3-5 & 8-10 in Block F of Pennock & Potts Addition. Mr. Minix owns the property on either side of the alley. He would like to include and maintain this portion of the alley as part of his yard.

This item was sent to all interested parties. No negative responses were received.

At a Joint Public Hearing held December 16, 2013, the Planning Commission recommended approval 7:0 of the abandonment.

Approval of ordinance.

Councilmember Samuel moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE VACATING AND ABANDONING A 28' X 138' PORTION OF AN ALLEY LOCATED AT 2055 SOUTHERLAND STREET BETWEEN LOTS 3-5 AND 8-10, BLOCK F, PENNOCK AND POTTS ADDITION, BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Smith seconded the motion.

AYES: MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 – 005

6. Consider a resolution approving the renewal of an annual maintenance agreement from SunGard Public Sector for use by Police, Fire and EMS.

SunGard Public Sector software is used by Police, Fire, and EMS for dispatching of emergency personnel, records management for police, miscellaneous reporting, case management, and numerous other essential functions for Public Safety. This purchase is exempt from competitive bidding since it is available from only one (1) source having exclusive rights to modify and maintain the software. The software maintenance agreement provides twenty-four/seven unlimited telephone support for 911 dispatching; Monday – Friday, 8 – 5 support for mobile computers, electronic field reporting, and all records management applications, and provides annual software upgrades.

General Fund – Information Technology and Confiscated Goods – Police.

Approval of resolution.

Councilmember Smith moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE, AND HE IS HEREBY, AUTHORIZED TO PAY AN INVOICE IN THE AMOUNT OF \$244,746.74 TO SUNGARD PUBLIC SECTOR FOR THE RENEWAL OF AN ANNUAL MAINTENANCE AGREEMENT FOR POLICE, FIRE AND EMS PUBLIC SAFETY SOFTWARE SUPPORT BEGINNING JANUARY, 2014.** Councilmember Samuel seconded the motion.

AYES: MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Resolution 14 - 004

7. Consider a resolution approving a contract with A. J. Gallagher Risk Management Services of Dallas for workers' compensation excess insurance.

The City is self-insured for its workers' compensation program. The excess insurance coverage limits the City's liability for claims from any one job-related accident or injury. The City's liability is called Self Insured Retention (SIR), which means the insurance carrier will cover all cost incurred on any individual claim of more than \$1,500,000, up to any amount authorized by statute. Our current policy is with Star Insurance Company. The annual premium for the calendar year of 2013 was \$87,500. Approximately 1285 full-time employees and 200 part time, temporary and/or casual employees are covered by workers' compensation.

A Request for Proposal was sent to nineteen (19) vendors. One (1) response was received. A panel of City employees reviewed the response. The panel chose A. J. Gallagher Risk Management Services who represents Midwest Employers Insurance Company. Midwest Employers Insurance Company has a Best Rating of A+ / XV.

The policy is for one (1) year. There is no option to renew. Based on the 2013 projected payroll of \$74,958,300, the annual premium is \$120,758.

Employee Benefits Fund.

Approval of resolution.

Councilmember Coleman moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE AWARD OF A ONE (1) YEAR CONTRACT TO A.J. GALLAGHER RISK MANAGEMENT SERVICES, OF DALLAS, TEXAS, IN THE AMOUNT OF \$120,758 FOR WORKERS' COMPENSATION EXCESS INSURANCE COVERAGE.** Councilmember Smith seconded the motion.

AYES: MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Resolution 14 - 005

8. Consider a resolution approving a change order to the contract with Brystar Contracting for the 7th Street Road Project.

On April 30, 2013, City Council awarded Brystar Contracting, Inc. the contract for the Paving and Drainage Improvements on 7th Street (Laurel to IH-10) Project in the amount of \$6,075,569.65. This project will consist of reconstructing the existing dilapidated asphalt pavement, upgrading its storm sewer system and replacing water and sanitary sewer mains including appurtenances.

Change Order No. 1 in the amount \$555,226.75 represents an increase of 9.14% to the original contract amount resulting in a revised contract amount of \$6,630,796.40. The proposed changes to the contract will modify the design to resolve utility conflicts and adjust construction time by adding sixty days (60). Additional changes include furnishing and installing 8" water main interconnections to existing lines and 12" to 8" sanitary sewer connections with appurtenances to meet actual site conditions and deduct items which will not be used. These changes are as a result of utility conflicts discovered in the field which should have been addressed in the final design provided by the consulting engineer.

Street Improvements from Airport Royalties Fund

Approval of resolution.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER NO. 1 FOR ADDITIONAL WORK, THEREBY INCREASING THE CONTRACT AMOUNT BY \$555,226.75 FOR A REVISED TOTAL CONTRACT AMOUNT OF \$6,630,796.40.** Councilmember Getz seconded the motion.

AYES: MAYOR PRO TEM WRIGHT, COUNCILMEMBERS COLEMAN, GETZ, PATE, SAMUEL AND SMITH

NAYS: NONE

MOTION PASSED

Resolution 14 - 006

COUNCILMEMBER COMMENTS

COUNCILMEMBER COLEMAN -	WELCOMED HIS FELLOW COUNCILMEMBERS BACK, WISHED EVERYONE A HAPPY NEW YEAR
COUNCILMEMBER GETZ -	WISHED EVERYONE A HAPPY NEW YEAR
COUNCILMEMBER PATE -	ANNOUNCED THAT JANUARY 10, 2014, WILL BE SPINDLETOP DAY WHICH WILL BE CELEBRATED AT SPINDLETOP, ENCOURAGED EVERYONE TO ATTEND, STATED THAT THE LAMAR UNIVERSITY BASKETBALL TEAM WILL BE PLAYING NICHOLLS STATE, THURSDAY NIGHT AT THE MONTAGNE CENTER ENCOURAGED EVERYONE TO ATTEND, 2014 WILL BE A GREAT YEAR
COUNCILMEMBER SAMUEL -	IT'S ANOTHER GREAT DAY IN BEAUMONT
COUNCILMEMBER SMITH -	HAPPY NEW YEAR TO EVERYONE, THANKED RYAN SLOTT FOR THE ATTENTION HE GAVE TO SPROTT PARK
MAYOR PRO TEM WRIGHT -	WISHED EVERYONE A HAPPY NEW YEAR, ENCOURAGED EVERYONE TO GO OUT AND VISIT SPINDLETOP FOR THE CELEBRATION
CITY ATTORNEY COOPER -	WISHED EVERYONE A HAPPY NEW YEAR
CITY MANAGER HAYES -	HAPPY NEW YEAR
MAYOR AMES -	ABSENT

Public Comments (Persons are limited to three minutes)

Brian Muldrow	2002 Park St.	Beaumont TX
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Spoke to Council regarding his property at 2002 Park St., read a portion of a letter that he received from the City of Beaumont's Legal Department, continued to discuss his correspondence with the Demolition Department as well as the Legal Department

Open session of meeting recessed at 2:01p.m.

EXECUTIVE SESSION

- * Consider matters related to the deliberation of the purchase, exchange, lease or value of real property in accordance with Section 551.072 of the Government Code, to wit:

A 3.2632 acre parcel of land in the 300 Block of Neches Street,
Beaumont, Texas 77701

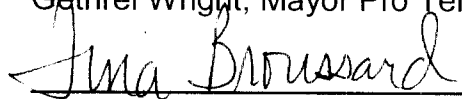
625 Orleans Street, Hotel Beaumont

There being no action taken in Executive Session, Council adjourned.

Audio available upon request in the City Clerk's Office.



Gathrel Wright, Mayor Pro Tem



Tina Broussard, City Clerk

